

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1607 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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CHANDRAKANTBHAI GAGLANI                      BROTHER OF LATE

Versus

GEB    CHAIRMAN  
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Appearance:

MR AS VAKIL for Petitioner  
MR SP HASURKAR for Respondent No. 1, 2  
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CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 17/07/2000

ORAL JUDGEMENT

Rule. Mr. S.P. Hasurkar waives service of Rule.

By consent of parties, the petition is taken up for final  
hearing.

2. Previously, the petitioner had filed Special Civil Application No.5 of 2000 challenging the order passed by the Appellate Authority. The said petition was disposed of by order dated 05.01.2000 and the following direction was given:-

"In view of this, it is directed that if the petitioner prefers review petition before the Appellate Committee of the Gujarat Electricity Board within a period of two weeks from today challenging the supplementary bill of Rs.4,34,923.41ps issued by the Gujarat Electricity Board, the same shall be decided by the Appellate Committee within a period of four weeks from the date of receipt of the review petition after giving an opportunity of hearing and after supplying the copy of the letter dated 06.12.1999 and after considering the reply of the appellant on the said letter dated 06.12.1999 and in accordance with law."

3. The Appellate Authority has thereafter passed the order on Review Application which is under challenge in this petition. It is contended on behalf of the petitioner that in spite of the specific direction given by this court, the copy of the letter dated 06.12.1999 was not supplied to the petitioner. That averment is not denied by the other side. In the circumstances, the matter will have to be remanded. As directed by the order dated 05.01.2000, the petitioner shall be supplied with a copy of the letter dated 06.12.1999 and the Appellate Authority shall decide the Review Application after giving an opportunity of hearing and after considering the reply of the petitioner on the said letter and in accordance with law. The petition is, therefore, allowed. The impugned order of the Appellate Committee dated 17.02.2000 passed in Review Application of the petitioner is set aside. The Appellate Authority shall decide the said Review Application at the earliest in accordance with the directions given in the order dated 05.01.2000 in Special Civil Application 5 of 2000. Since in the earlier petition, it was directed that the power supply may not be disconnected till the Review Petition is decided by the Appellate Committee, the said direction shall continue till the Appellate Committee decides the Review Application. Rule made absolute accordingly.